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REISSUE PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of
U.S. Patent No. 5,945,416

Applicants: Shannon, et al.

Application No.: 09/935,513

Filed: August 22, 2001

For: METHOD FOR TREATING PAIN

Docket No.: X-10576A

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)
) Confirmation No.:
) 9165
)

) Group Art Unit:
) 1617
)

) Examiner:
) Theodore J. Criares
)
)

SUPPLEMENTAL REISSUE DECLARATION

Assistant Commissioner for Patents
Arlington, VA 22202

Sir:

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to
my name.

I believe I am an original, first and joint inventor of the subject matter which
is claimed and for which United States Patent No. 5,945,416 was granted on the invention
entitled

Method for Treating Pain

the specification of which:

[] is attached hereto
[X] was filed on March 24, 1997 as United States Application
Serial No. 08/823,461

whereof Eli Lilly and Company, on whose behalf and with whose assent this application is
made, is now sole owner by assignment, and for which invention I solicit a reissue patent.

I hereby state that I have reviewed and understand the contents of the
above-identified specification, including the claims 1-44, and further including the pending
new claims 60-67 and 81-91 which were added by preliminary amendment submitted with
the filing of this reissue application.

I acknowledge the duty to disclose all information known to me which is
material to patentability as defined in 37 C.F.R. § 1.56.

I believe United States Letters Patent No. 5,945,416 to be at least partly inoperative or invalid for the reason that I claimed more or less than I had the right to claim in the patent. At least one error upon which reissue is based is described below:

More particularly, it was error not to include an independent claim 81 which defines a pharmaceutical composition that is in unit dose form which comprises the specific combination of olanzapine or a pharmaceutically acceptable salt thereof; and a serotonin reuptake inhibitor. In addition, it was error not to include a dependent claim 82 which defines a pharmaceutical composition that is in unit dose form wherein the serotonin reuptake inhibitor is fluoxetine, or a pharmaceutically acceptable salt thereof. Furthermore, it was error not to include a dependent claim 91 which defines a pharmaceutical composition in unit dose form wherein the unit dose is a capsule. By not including these specific pharmaceutical compositions in unit dose form, I erroneously claimed less than I had a right to claim.

I state that every error in the patent which was corrected in the present reissue application, and is not covered by the prior declarations submitted in this application, arose without any deceptive intention on my part.

Since this reissue application was filed within two years of the issue date of United States Letters Patent No. 5,945,416, broader claims than those in the issued patent are permissible.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Sole or

First Joint Inventor : Harlan Edgar Shannon

Inventor's Signature : Harlan Edgar Shannon Date: 7 April, 2003

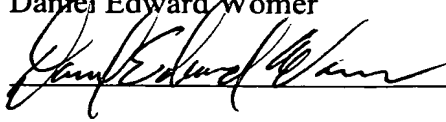
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Inventor's Signature :



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